

Appl. No. 09/401,616  
Amdt. dated January 21, 2005  
Reply to Office action of October 21, 2004

#### REMARKS/ARGUMENTS

Applicants received the Office action dated October 21, 2004, in which the Examiner withdrew the previous grounds of rejection based on Applicants' Appeal Brief. In the current Office action, however, the Examiner rejected all pending claims as obvious over Agrawal with some claims being rejected as obvious over Agrawal in combination of one or more other documents. With this Response, Applicants amend claims 1-3, 66, and 69. Based on the arguments and amendments contained herein, Applicants respectfully request consideration.

As the Examiner is clearly aware, Agrawal discloses monitoring a system for a certain event and then generating an interrupt when a specific condition related to the event is true. Specifically, Agrawal discloses counting the number of times a cache miss occurs and generating an interrupt when a specific number of cache misses have occurred. See col. 8, line 34 through col. 9, line 44. With regard to Agrawal, the Examiner succinctly and correctly stated that: "Reaching a predetermined number of cache misses causes the interrupt. When that limit is reached, the executing instruction is sampled." Office action page 35. Obviously, when and whether the interrupt will occur in Agrawal is indeterminate. That is, if there are no cache misses, no interrupts will occur. Further, if the number of cache misses never reaches the threshold, no interrupt will occur. To the extent that an interrupt does occur in Agrawal, the interrupt will be generated based on the occurrence of a specific condition (i.e., the number of cache misses reaching a threshold value).

Amended claim 1 specifies interrupting the program at "time-based" intervals. This limitation is clearly in contrast to the teachings of Agrawal which generates interrupts based on a specific condition being true. The specific condition in Agrawal (cache misses reaching a threshold) may or may not occur and certainly cannot be said to occur dependent on time-based intervals. Cache misses (and thus the subsequent interrupts) occur when and if they occur, not

**Appl. No. 09/401,616**  
**Amdt. dated January 21, 2005**  
**Reply to Office action of October 21, 2004**

based on a time. Further, modifying Agrawal's teachings to generate interrupt based on time would run counter to the purpose of Agrawal which is to monitor a system for excessive occurrence of a specific type of event (i.e., cache misses). None of the other art satisfies this deficiency of Agrawal. At least for this reason, claim 1 and claims dependent thereon are allowable over the art of record.

Applicants amend dependent claims 2 and 3 to maintain consistency with the amendment to claim 1. These amendments also emphasize the patentable point that the intervals of claim 2 are time-based intervals that occur at "random time intervals" (claim 2) or have a "constant time period" (claim 3). Agrawal does not teach or suggest this feature. The other art of record is also deficient.

Applicants also amend independent claims 66 and 69 to refer to "time-based" intervals to distinguish over Agrawal as explained above. Accordingly, claims 66 and 69 and associated dependent claims are allowable.

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including

**Appl. No. 09/401,616**  
**Amdt. dated January 21, 2005**  
**Reply to Office action of October 21, 2004**

fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



Jonathan M. Harris  
PTO Reg. No. 44,144  
CONLEY ROSE, P.C.  
(713) 238-8000 (Phone)  
(713) 238-8008 (Fax)  
ATTORNEY FOR APPLICANTS

**HEWLETT-PACKARD COMPANY**  
Intellectual Property Administration  
Legal Dept., M/S 35  
P.O. Box 272400  
Fort Collins, CO 80527-2400